

**VIRGINIA BOARD OF NURSING
MINUTES
JANUARY 28, 2003**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:10 A.M. on January 28, 2003 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Janet B. Younger, Ph.D., R.N., President

BOARD MEMBERS PRESENT: Linda Ault, R.N., M.S.N., Vice President
Louise D. Hartz, Citizen Member, Secretary
Marion Alderman, Citizen Member
Lynne McNally Cooper, Citizen Member
Shelley F. Conroy, R.N., Ed.D.
Carol E. King, L.P.N., M.S.
Louisa Lief, R.N., M.S. (joined later)
Denise Oppenhagen, R.N., B.S.N.
Julia C. Semple, L.P.N.
Dawn M. Sykes, R.N., B.S.N.
JoAnn Tillett, R.N.
Diane Tramel, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Nurse Aide Education
Amy Davis, Administrative Assistant

OTHERS PRESENT: Howard Casway, Assistant Attorney General
Robert Nebiker, Director, Department of Health Professions
Elaine Yeatts, Regulatory Coordinator, Department of Health Professions
James Schliessmann, Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With 12 members of the Board present, a quorum was established.

CLOSED MEETING: Louise Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 9:10 A.M., for the purpose of deliberation to reach a decision regarding a possible summary suspension. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Mr. Casway, Dr. Saxby and Mr. Schliessmann attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:20 A.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Conroy moved that based on the evidence presented by James Schliessmann, Assistant Attorney General, the Board of Nursing summarily suspend the license of Robin Allen, Certified Nurse Aide 1401-071499 pending a formal administrative hearing and to offer a consent order for revocation with a finding of patient misappropriation.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Allen and the Board.

Mr. Schliessmann left the meeting.

ANNOUNCEMENTS:

Jay Douglas has been appointed Executive Director of the Board of Nursing.

The next Board of Nursing meeting dates are March 17 – 20, 2003.

The next Committee of the Joint Boards of Nursing and Medicine meeting is February 19, 2003.

NCSBN mid year meeting is scheduled for March 25 – 27, 2003 in Savannah, Georgia.

Gala event celebrating the Board of Nursing Centennial is scheduled for May 14, 2003 in Richmond, Virginia.

DIALOGUE WITH MR. NEBIKER:

Mr. Nebiker facilitated a discussion regarding the Board of Nursing interpretation of Code of Virginia §54.1-3018(B) issues related to Canadian applicants for licensure by endorsement were shared with the Board. Staff reported on consultation with the Virginia Nurses Association, Canadian Nurses Association and National Council of State Boards of Nursing regarding Canadian applicants and education

Dr. Conroy moved to adopt a policy to consider the Canadian Licensing Examination 1970 and all subsequent examinations as equivalent to the Canadian Registered Nurse Examination (CRNE).

The motion was seconded and carried unanimously.

Mr. Nebiker also reviewed HB 1441 and the impact it could have on the disciplinary process to include increase in caseload, need for alternative processes and increased reporting requirements.

Mr. Nebiker left the meeting.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed two items from the proposed consent agenda and adopted a motion by Ms. Hartz to accept the consent agenda which includes:

Minutes:

November 18, 2002 – Ms. Ault

November 19, 2002 - Meeting

November 20, 2002 - Meeting

January 7, 2003 – Telephone Conference Call

Finance Report

Open Cases Report

Case Summary Report

Case Standard Report

License Count Report

Applicant Count Report

Probation Completed

Successful Completion of Health Practitioners Intervention Program

The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:25 A.M.

RECONVENTION: The Board reconvened at 10:43 A.M.

POLICY FORUM: Ms. Corinne Dorsey, Chairperson of the Centennial Planning Committee, presented “Centennial Minutes”. This presentation included information on The Woodson Bill, 1936.

OPEN FORUM: Dr. Elinor McCance-Katz, Health Practitioners Intervention Program Medical Director, spoke to the board regarding the program and the transition since January 1, 2003 when VCU Health Systems was awarded the contract.

REPORTS: **Legislative Update:**

Ms. Yeatts reviewed the current legislation being considered by the General Assembly this session.

Ms. Cooper moved that the Board of Nursing reaffirm the position on the multi-state mutual recognition legislation. The Board previously voted on this July 18, 2000.

The motion was seconded and carried unanimously.

Dr. Younger reported that the Governor’s Advisory Council was in total support of moving forward on mutual recognition.

RECESS: The Board recessed at 12:25 P.M.

RECONVENTION: The Board reconvened at 1:15 P.M.

Board of Health Professions:

Ms. Ault reported on her first meeting. The Sanction Study Report has gone to the Board of Medicine.

Health Practitioners Intervention Program:

The report presented by Ms. Douglas was accepted as information.

Statement of Justification for proposed faculty requirements:

Dr. Younger reported on the meeting held January 7, 2003 of the Regulatory Review Subcommittee and presented justification for proposed changes.

Ms. Hartz moved that the Board accept the recommendations.
The motion was seconded and carried unanimously.

Ms. Lief joined the meeting.

Proposed Response to Advance Magazine Developed by Ms. Oppenhagen:

Ms. Tramel moved that the Board accept the letter to be sent to the Editor of the magazine subject to editorial changes.
The motion was seconded and carried unanimously.

OTHER MATTERS:

Requests for accommodation for examination:

Dr. Saxby brought to the attention of the Board the lack of guidelines for submission of requests in order to thoroughly consider the request.

Ms. Lief moved that the Board establish a guidance document for requests for accommodation for examination to be reviewed at the March 2003 board meeting.
The motion was seconded and carried unanimously.

Report of Nominating Committee:

Dr. Conroy moved to accept the slate as presented and for election by acclamation. Dr. Younger, President, Ms. Ault, Vice President and Ms. Hartz, Secretary.
The motion was seconded and carried unanimously.

Selection of representatives to NCSBN mid year meeting:

Board members interested in attending need to inform Dr. Younger.

Schedule of Informal Conference Committees for 2003:

The schedule was accepted as presented.

Revenue and Expenditure Analysis:

Discussion of this was deferred to the March 2003 board meeting.

Staff Vacancies:

Ms. Douglas reported on the status of the vacant board staff positions, Deputy Executive Director, Discipline; Deputy Executive Director, Education; and Administrative Assistant for reinstatements remain vacant.

Travel Regulations:

Charlotte Creed, Board of Nursing Office Manager, provided instructions on electronic expense reimbursement vouchers.

Nurse Practice Advisory Committee:

Ms. Ault discussed the goal is to convene the first meeting in March 2003 and to include representatives of hospital systems throughout the state.

Use of Titles:

Dr. Younger suggested an article to be included in the Board of Nursing newsletter that addresses the correct use of titles.

REGULATIONS:

Status of Advanced Certified Nurse Aide Regulations:

Ms. Yeatts reported on the meeting with the Department of Planning and Budget because they had not approved final regulations. At the conclusion of the meeting Department of Health Professions staff were verbally informed that the issues were resolved, however regulations remain in abeyance.

Amendments to Final Regulations Governing the Licensure of Nurse Practitioners:

Ms. Hartz moved to adopt as 18 VAC 90-30-10, 90-30-70 and 90-30-90 as final regulations.

The motion was seconded and carried unanimously.

Amendments to Proposed Regulations Recommended by Regulatory Review Subcommittee:

Ms. Hartz moved to adopt the proposed regulations from the January 7, 2003 meeting as amended.

The motion was seconded and carried unanimously.

PUBLIC HEARING:

Regulations on Volunteer Practice of Out of State Nurses:

No one was present to for the public hearing. Written comments can be received until February 28, 2003. Ms. Yeatts reported on petitions for rule making, the Board has received four, regarding regulations on name tags proposing to delete using the last name of employees.

Ms. Hartz moved that the Board consider the petition for rule making as a comment of proposed regulations during comment period.

The motion was seconded and carried unanimously.

EDUCATION
PROGRAMS:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on January 27, 2003.

Ms. Tramel moved that the Board of Nursing adopt the recommendations as corrected.

The motion was seconded and carried unanimously.

CLOSED SESSION:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 3:35 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Hartz

moved that Ms. Douglas, Dr. Saxby, Ms. Power, Mr. Casway and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:40 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CASE ADJUDICATION:

Consent Orders:

Patricia M. Ezzyk, R.N. 0001-131764

Ms. Tramel moved to accept the Consent Order to accept the voluntary surrender and indefinite suspension of Ms. Ezzyk's license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Thomas M. Kennedy, C.N.A. 1401-087328

Ms. Tillett moved to accept the Consent Order to accept the surrender of Mr. Kennedy's certificate.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

ADJOURNMENT:

The meeting was adjourned at 3:40 P.M.

Louise Hartz, Citizen Member
Secretary